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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

H. Michael SHEPARD

Serial No.: 10/048,033 ✓

Filing Date: November 27, 2002

For: METHODS FOR TREATING
THERAPY-RESISTANT TUMORS

Examiner: Unknown

Group Art Unit: Unknown

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY
UNDER 37 C.F.R. § 3.71**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Celmed Oncology (USA), Inc., the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints all attorneys associated with:

Customer Number 23639

Attorney	Registration No.	Attorney	Registration No.
Hitesh Barot	51,433	David T. Burse	37,104
Michael J. Bolan	42,339	Gerald Chan	51,541
Janet Chance	55,048	Fei-Fei Chao	43,538
Yu-Ing Huang	55,286	Scott Kokka	51,893
Antoinette F. Konski	34,202	Gary Lueck	50,791
Fabio E. Marino	43,339	Peter Chen-Cheng Mei	39,768
Scott R. Miller	32,278	Robert Schroeder	25,373
Saina Shamilov	48,266	Sandra Thompson	46,264
Stuart J. West	43,258		

all of the firm Bingham McCutchen LLP, Three Embarcadero Center, Suite 1800, San Francisco, CA 94111-4067, to prosecute this application and transact all matters in the United States Patent

and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

Please direct all written communications relative to this application to:

Antoinette F. Konski, Esq.
Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco, CA 94111-4067

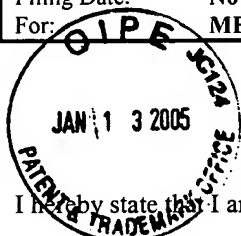
Please direct all telephone communications to Antoinette F. Konski at (650) 849-4950.

CELMED ONCOLOGY (USA), INC.

Dated: December 20, 2004

By: Réal Favreau
Me Réal Favreau
Vice President Corporate Affairs &
Secretary
c/o Celmed BioSciences, Inc.
2310 Alfred-Nobel Blvd.
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Applicant	H. Michael SHEPARD	Attorney Docket No.: NB 2006.01
Application No.:	10/048,033	
Filing Date:	November 27, 2002	
For:	METHODS FOR TREATING THERAPY-RESISTANT TUMORS	



**STATEMENT CLAIMING SMALL ENTITY STATUS
SMALL BUSINESS CONCERN (37 C.F.R. §§ 1.9(f) & 1.27(c))**

I hereby state that I am:

- ☐ the owner of the small business concern identified below;
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: **Celmed Oncology (USA), Inc.**

ADDRESS OF SMALL BUSINESS CONCERN: **c/o Celmed BioSciences, Inc.
2310 Alfred-Nobel Blvd.
Montreal, Quebec H4S 2A4
CANADA**

I hereby state that the above identified small business concern qualifies as a small business concern as identified in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **Methods for Treating Therapy-Resistant Tumors**, by inventor(s) **H. Michael Shepard**, as described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent invention under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d), or a nonprofit organization under 37 CFR § 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization I listed below.

NAME	ADDRESS	TYPE
		<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities (37 CFR § 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status of a small entity is no longer appropriate (37 CFR § 1.28(b)).

NAME OF PERSON SIGNING: **ME RÉAL FAVREAU**

TITLE OF PERSON IF OTHER THAN OWNER: **VICE PRESIDENT CORPORATE AFFAIRS & SECRETARY**

ADDRESS OF PERSON SIGNING: **C/O CELMED BIOSCIENCES, INC., 2310 ALFRED-NOBEL BLVD., MONTREAL, QUEBEC H4S 2A4, CANADA**

SIGNATURE: *Réal Favreau*
PA/52147008.1

DATE: *December 20, 2004*

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/048,033	
	Filing Date	November 27, 2002	
	First Named Inventor	H. Michael SHEPARD	
	Art Unit	1615	
Examiner Name	Not Yet Assigned		
Total Number of Pages in This Submission	5	Attorney Docket Number	NB 2006.01

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement Under 37 CFR 3.73(b) (1 page); Prosecution by Assignee and Power of Attorney Under 37 C.F.R. Sec. 3.71 (2 pages); Statement Claiming *
Remarks		
* Small Entity Status Small Business Concern (37 CFR Secs. 1.9(f) & 1.27(c)) (1 page); postcard receipt		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Antoinette F. Konski Bingham McCutchen LLP
Signature	
Date	January 10, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below			
Typed or printed name	Mary R. Zimmerman		
Signature		Date	January 10, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: H. Michael SHEPARDApplication No./Patent No.: 10/048,033 Filed/Issue Date: November 27, 2002Celmed Oncology (USA), Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g. corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____%.

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel *, Frame *, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: H. Michael Shepard To: NewBiotics, Inc.
The document was recorded in the United States Patent and Trademark Office at Reel 012760, Frame 0324, ~~or for which a copy thereof is attached.~~
2. From: NewBiotics, Inc. To: Celmed Oncology (USA), Inc.
The document was recorded in the United States Patent and Trademark Office at Reel 015407, Frame 0077, ~~or for which a copy thereof is attached.~~
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel *, Frame *, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

December 20, 2004.
DateMe Réal Favreau

Typed or printed Name

Me Réal Favreau
SignatureVice President Corporate Affairs & Secretary

Title